
By: **Chairman, Environmental Matters Committee (Departmental - Environment)**

Introduced and read first time: January 22, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Standing - Judicial Review - Title V Operating Permits**

3 FOR the purpose of expanding who has standing to seek judicial review of certain
4 final decisions by the Department of the Environment on certain air quality
5 operating permits; specifying how the judicial review shall be conducted; and
6 generally relating to judicial review of final decisions on air quality operating
7 permits.

8 BY adding to
9 Article - Environment
10 Section 2-404.1
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Environment**

16 2-404.1.

17 (A) EXCEPT FOR AN APPLICANT AS PROVIDED IN SUBSECTION (C) OF THIS
18 SECTION, A FINAL DECISION BY THE DEPARTMENT ON THE ISSUANCE, RENEWAL, OR
19 REVISION OF AN OPERATING PERMIT ISSUED PURSUANT TO TITLE V OF THE
20 FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990 IS SUBJECT TO JUDICIAL REVIEW BY
21 ANY PERSON WHO:

22 (1) WOULD HAVE STANDING TO SUE WITH RESPECT TO THE MATTER
23 UNDER APPLICABLE FEDERAL LAW; AND

24 (2) PARTICIPATED IN A PUBLIC PARTICIPATION PROCESS THROUGH THE
25 SUBMISSION OF WRITTEN OR ORAL COMMENTS, UNLESS A PUBLIC PARTICIPATION
26 PROCESS IS NOT PROVIDED.

1 (B) JUDICIAL REVIEW SHALL BE ON THE ADMINISTRATIVE RECORD BEFORE
2 THE DEPARTMENT AND LIMITED TO OBJECTIONS RAISED DURING THE PUBLIC
3 COMMENT PERIOD UNLESS THE PETITIONER DEMONSTRATES:

4 (1) THAT IT WAS IMPRACTICABLE TO RAISE THE OBJECTIONS DURING
5 THE COMMENT PERIOD; OR

6 (2) THAT GROUNDS FOR THE OBJECTIONS AROSE AFTER THE COMMENT
7 PERIOD.

8 (C) AN APPLICANT FOR AN AIR QUALITY OPERATING PERMIT MAY SEEK
9 JUDICIAL REVIEW IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE
10 GOVERNMENT ARTICLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect July 1, 2001.